

In The United States Patent And Trademark Office

Request for Reconsideration – Amendment Under Rule 116

Appn. Number: 10/623,851
Appn. Filed: July 22, 2003
Applicant: Joshua Matthew Lipton
Title: Collapsible Bicycle Case
Examiner/GAU: Lee Lum, Vanucci / 3611

Flagstaff, Arizona, 2006 May 02

Commissioner for Patents
Alexandria, VA 22313-1450
Dear Sirs and Madams:

In response to the Office Action mailed 2006 Feb. 3, please consider the following request for reconsideration.

In order to continue the process of securing patent protection, Applicant is taking a two part approach as a response to the recent Office Action for my patent application. First, Applicant is requesting a reconsideration of some of the Claims that have been previously presented. Second, Applicant has written a new Claim 51 for to be considered. Please note that Applicant has canceled some of the previously presented Claims based on additional prior art that was presented in the office action.

Please note the following: The Applicant is working under time constraints, having until June 3, 2006 (Final Rejection mailed 2/03/06 & 1 month extension purchased) to either achieve allowance of the Claims or to apply for either an appeal or RCE. The applicant requests a RESPONSE UNDER 37 CFR 1.116-EXPEDITED PROCEDURE-EXAMINING GROUP #3611. This has also been noted and marked on the Amendments to the Claims.

Applicant is requesting a reconsideration of the previously considered Claims 37-42 and amended Claim 49. The other previously considered Claims have been cancelled. Please reconsider Claims 37-42 and Claim 49 for the following reasons:

1. The combination of a bicycle trailer and a collapsible bicycle case is not mentioned in any of the prior art.

- In Brenner 4,390,088 a container bag system for bicycles is described. While the structure of this container has many similar features to the Applicant's "collapsible bicycle case", such as a similar folding panel structure, there is no reference to combining Brenner's container with a bicycle cargo trailer. Brenner's container works specifically to be transformed into bicycle mounted bags. Even though it would be desirable to do so, this container would have to be significantly altered in order to

function effectively in combination with a bicycle cargo trailer and no such alterations are mentioned anywhere.

- In Kuo 5,593,259 a motor scooter packing case is described. While this packing case includes many similar features to the Applicant's collapsible bicycle case, such as brackets for the motor scooter and wheels for the case, there is no reference in the claims or description to combining Kuo's packing case with a bicycle cargo trailer. Even though it would be desirable to do so, this packing case would have to be significantly altered in order to function effectively in combination with a bicycle cargo trailer and no such alterations are mentioned anywhere.
- In Everett 6,182,990 a bicycle trailer is described with front and rear brackets. These brackets are not discussed as means for mounting a bicycle inside of the trailer. They are rather means for using the bicycle trailer for its normal purpose of connecting to a bicycle and transporting cargo. It is clear that the front most bracket is designed specifically for connecting to the rear wheel area of a bicycle and that the rear bracket is designed for mounting the wheel of the bicycle cargo trailer. There is no mention of alternate uses for these brackets, including using them for mounting a bicycle frame over the trailer in a position for shipping the bicycle trailer and bicycle together.
- There is not any other mentions of a combination of a collapsible bicycle case with a bicycle cargo trailer in the patents disclosed in the Applicant's patent application; in the first Office Action; in the second Office Action; or in any of the known prior art.

2. The specific method for successfully combining Applicant's "collapsible bicycle case" with a bicycle cargo trailer is not obvious.

- In the Office Action (mailed 2/03/06), it is asserted that with regards to the prior art examples of collapsible bicycle cases, it would have been obvious to have converted these cases for use in combination with bicycle cargo trailers. Though the advantages of having a bicycle cargo trailer in combination with a collapsible bicycle case are apparent, an effective application of this combination is not obvious and before my invention has never before been achieved.
- The combination of a collapsible bicycle case with a bicycle cargo trailer requires a specific type of collapsible bicycle case that we have described in Claims 37-42 and 49.

The specific elements of Applicant's "collapsible bicycle case" (folding panels which mount to the two sides of the bicycle trailer; a cover securable between the folding panels; and a set of brackets for mounting the bicycle over the trailer) perhaps may not be patentable when considered separately from a bicycle cargo trailer.

However, the reason these specific elements were employed is apparent when viewed in their useful combination with a bicycle cargo trailer. A collapsible bicycle case must have specifically designed elements in order to integrate with a bicycle cargo

trailer effectively. This specific design is necessary for attachment to the bicycle cargo trailer; to provide protection for the vulnerable parts of a bicycle and bicycle cargo trailer; and to be light in weight for ease of bicycle riding transport.

Because the elements of Applicant's "collapsible bicycle case" are described specifically, the Applicant's case is differentiated from other shipping cases in the prior art. Other shipping cases would be ineffectual in being combined with a bicycle cargo trailer because they lacked these specific and differentiated elements. By describing specific and differentiated elements to achieve a previously unachieved combination, the Applicant has described an unobvious combination of design elements with strong grounds for being patentable.

- In summary, though it may be considered obvious to combine the function of a collapsible bicycle case with the function of a bicycle cargo trailer because the result is desirable, the specific design of the elements making up the Applicant's "collapsible bicycle case", allowing for this successful combination, are not obvious. This unobvious combination of a bicycle cargo trailer with a collapsible bicycle case through the use of specific design elements should therefore be considered patentable.

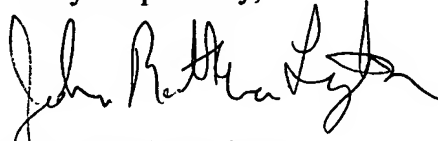
I am also requesting new Claim 51 to be considered. Please consider the merits of this Claim.

- The Claim 51 specifies how the brackets of the Applicant's "collapsible bicycle case" function specifically as an attachment system for mounting a bicycle frame onto a bicycle cargo trailer in a position suitable for shipping a bicycle and bicycle cargo trailer together. The Applicant knows of no such brackets for bicycle cargo trailers previously described in the prior art.
- The Claim 51 describes the specific type of bicycle cargo trailer that the brackets are designed to work with. The Claim 51 specifies the bicycle cargo trailer as the type utilizing "a trailer fork connected pivotally to the front of said compartment, said trailer fork of the type containing two arms extending forwardly from said compartment with means for attachment to the two exterior, opposite sides of the rear end of said bicycle frame". By describing the specific type of bicycle cargo trailer that the brackets are used with, the specific design attributes and functions of the brackets are better demonstrated and more narrowly defined.
- The Claim 51 describes details of the structure of the front and rear brackets. These details specify how the brackets are designed to attach to a specific type of bicycle cargo trailer. The details also specify how the brackets are designed to attach a bicycle frame over the bicycle cargo trailer in a position suitable for shipping. By describing the specific design of the brackets, their specific design attributes and functions are better demonstrated and more narrowly defined.
- The Claim 51 presents the front and rear brackets as a set that function together to perform the task of mounting a bicycle frame in a position suitable for shipping on a

bicycle cargo trailer. By describing the brackets as a set, their specific design attributes and functions are better demonstrated and more narrowly defined.

- The brackets of the new Claim 51 are an essential component of the Applicant's "collapsible bicycle case" as described in the Specifications and Drawings and do not contain any new or radical changes from the previous Claims. Rather than adding changes or new details, the new Claim 51 simply serves to more specifically describe the front and rear bracket set.
- The new Claim 51 was not previously presented because the Applicant was unaware that the front and rear bracket set of the "collapsible bicycle case" warranted a narrower description in order to gain patent protection for them over previously described brackets on bicycle cargo trailers in the prior art.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Joshua Matthew Lipton", written in a cursive style.

Joshua Matthew Lipton

-----Applicant Pros Se-----



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Appn. Number: 10/623,891

Registration Number, if applicable

928-226-0294

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